
(1997) 05 P&H CK 0101

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 6315-M of 1997

Jasbir Kaur

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 13-05-1997

Acts Referred:

Citation : (1997) 3 RCR(Criminal) 304

Hon'ble Judges : S.S.Sudhalkar, J

Advocate : J.S. Ahlawat, G.S. Bawa, Gorakh Nath Sharma, Advocates for appearing Parties

Judgement

S.S. Sudhalkar, J.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the complainant.

2. The deceased admittedly died within seven years of marriage. The FIR, translated version of which has been reproduced in the petition goes to show that there is an allegation that the deceased told the complainant and his mother that the petitioner and other inlaws were harassing her excessively in connection with dowry and that she got fed up and out of sheer compulsion she had consumed spray in order to end her life. The deceased died on 30.12.1996 in the mid night. The last rites were performed on 31.12.1996 and the complaint regarding the incident was lodged on 2.1.1997. Learned counsel for the complainant has argued that the earlier bail application was dismissed. However, the earlier petition for bail was not dismissed on merit as is clear from Annexure P.5 except that it is observed that the statement regarding the age of the petitioner is not correct. The question of age is not raised at present.

3. Learned counsel for the complainant has argued that there is an oral dying declaration and that the doctor who treated the deceased was in league with the petitioner. He has also argued that the deceased was taken to a private hospital (nursing home) and that she was not taken to a Government hospital. Whatever

may be the reasons for not taking the deceased to a Government hospital, the fact remains that the complainant and his mother were present with the deceased when she was living, in the hospital. She was cremated in 31.12.1996. Had the complaint been filed immediately, the police could have taken over the case and got postmortem conducted. The doctor's opinion has been dealt with by the learned Additional Sessions Judge and the same has been read over to me. However, if the doctor has made a statement as mentioned therein, it cannot, at the state of bail, be presumed that the doctor was in league with the petitioner. Learned counsel for the complainant has argued that the challan has already been filed in the trial Court. However that should not preclude the petitioner from getting bail if otherwise she is entitled to for the same.

4. Looking to the above reasons, I find that bail can be granted to the petitioner. It is, however, made clear that these observations are limited for the purpose of this bail application only and shall have no bearing on the merits of the case when it comes for trial.

5. As a result, this petition is allowed. It is ordered that on petitioner's furnishing bail bond of Rs. 25,000/ with one surety in the like amount, she be released on bail. Bail bonds be furnished before the trial Court.